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Attorney's Docket: 2003DE409
Serial No.: 10/783,407
Art Unit 1712
Response to Final Office Action mailed 03/27/2007

Remarks

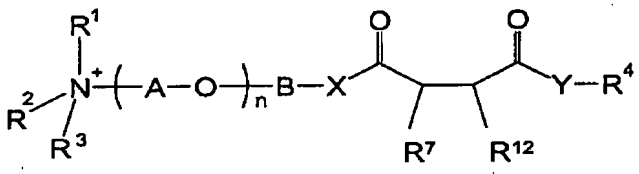
The Office Action mailed March 27, 2007 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Reconsideration of the present Application in view of the following remarks is respectfully requested.

Applicant has amended the Specification to correct an obvious typographical error which was not earlier noticed. In paragraph [00053], the reference to "**formula (4)**" was incorrect and should have been a reference to **formula (3)**. There is no formula (4) disclosed in the specification, and the preceding paragraph [00052] in the text describes D as a bivalent organic residue according to formula (3), and the immediately following paragraph [00052] provides a more narrow preferred embodiment of formula (3). This pattern of introducing a general formula and then providing a preferred more narrow embodiment is followed throughout the text; for example, see paragraphs [00045] wherein R^4 as formula (2) is introduced, followed by paragraph [00046], wherein a further preferred embodiment for R^4 is given. It is believed that no new matter is introduced by this amendment and that no additional search is required.

Applicant has amended the claims to attend to housekeeping matters and to more clearly recite what Applicant believes to be the invention. In claim 1, Applicant has deleted the reference to M. Claim 11 was amended to remove the reference to M and hydrogen. Support for these amendments may be found in originally filed claims 1 and 8. It is believed that no new matter has been introduced by these amendments.

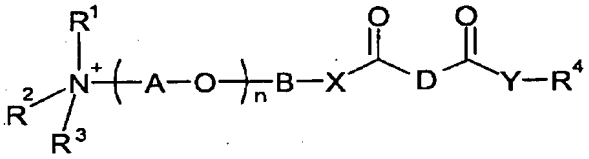
Claims 1-8 and 9-11 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement for the reason that the claim contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention for the reason that the bonding via a valence of an alkyl or alkenyl at any point on R^7 or R^{12} in the compound of formula (3) was not disclosed. The rejection of claims 1-8 and 9-11

under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement for the reason that the claim contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention should be withdrawn in view of the above amendment which corrects an obvious typographical error in the specification and replaces the reference to formula (4) with a proper reference to formula (3) and now correctly discloses the bonding via a valence of an alkyl or alkenyl at any point on R^7 or R^{12} in the compound of formula (3).



(3)

Furthermore, D is defined in paragraph [00047] to be any bivalent organic radical and further states that the bonding of the two carbonyl functions to D is preferably via a free valence of an alkyl or alkenyl group to any desired point on D. Thus, when formula (3) represents D, D in formula (3) is bonded to the remainder of the structure in formula (1)



(1)

through a valence of an alkyl or alkenyl residue at any point of R7 or R12. Thus, when D is formula (3), clearly anyone skilled in the art in view of Applicant's Specification would understand that D must be bonded at two molecular sites and that these two sites are within R^7 and R^{12}.

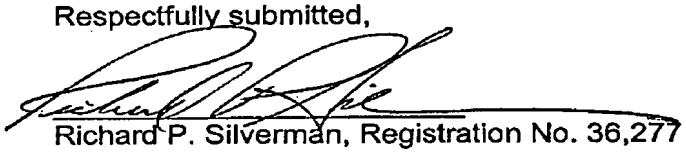
Claims 1-8 and 9-11 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for the reason that in claim 1, there is no M in the formula, in the definition of D as taught none of the radicals cited have a level as high as 600 carbon atoms, and in claims 1 and 11 it is not clear what is

meant by "wherein bonding of D occurs through any valence within R7 or R12." As amended, claim 1 no longer contains a reference to M. In the definition of D, when R^4 is defined to be formula (2) in D defined as formula (3), the number of carbon atoms in D will have a maximum of 700 carbon atoms. With respect to Applicant's proviso that "wherein bonding of D occurs through any valence within R^7 or R^{12}", this is in the context that D is disclosed to be a bivalent organic residue, and one skilled in the art knows that when D is defined as the bivalent residue of formula (3), D must be bonded at two molecular sites, and that these two molecular sites are within R^7 and R^{12}. Therefore, the rejection of claims 1-7 and 9-11 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention should be withdrawn in view of the above amendments and remarks.

It is respectfully submitted that, in view of the above remarks, the rejections under §112 should be withdrawn and that this application is in a condition for an allowance of all pending claims. Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

An early and favorable action is courteously solicited.

Respectfully submitted,



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